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A/53/860
S/1999/261
10 March 1999

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GENERAL ASSEMBLY
Fifty-third session
Agenda item 45
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-fourth year

Identical letters dated 10 March 1999 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I have the honour to forward herewith a text entitled "Declaration of the Islamic State of Afghanistan", dated 5 March 1999 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council and of the General Assembly.

(Signed) A. G. Ravan FARHÂDI
Ambassador
Permanent Representative

ANNEX

Declaration of the Islamic State of Afghanistan

In the Name of God, Most Gracious, Most Merciful

The Islamic State of Afghanistan,

Having considered, during a joint high-level special meeting with commanders, dignitaries and elders from across the country, the current situation in Afghanistan,

Intending, to establish a consultative council and a joint decision-making body to be called the Leadership Council of the Islamic State of Afghanistan, a body which shall be presided over by the President of the Islamic State of Afghanistan and which shall study and decide, as the highest decision-making authority and the central body of State policy initiation, implementation and coordination, on matters related to State affairs, embodying, to the extent possible, Jihadi and national figures and technocrats,

1. Expresses its determination to take appropriate measures aimed at resolving the present conflict, in conformity with the prevailing facts and realities in the country;

2. Decides to appropriately restructure the executive and judicial branches of the State within the parameters of the organization of the Islamic State of Afghanistan, and to establish the legislative branch by duly considering the participation of the representatives of fraternal ethnic groups of the nation, scholars, national and prominent figures;

3. Calls for the creation of a vast political front comprised of devout and patriotic popular figures and political and cultural forums, based upon the principle of grass-roots national participation; the front will deploy collective efforts for resolution of the conflict through convening an all-encompassing national gathering on a political front, and by extending mutual support and cooperation with a view to preserving and consolidating the national unity and the Islamic identity of Afghanistan;

4. Recognizes the fact that the will of the people constitutes the basis of legitimacy and political authority, and bearing such conviction, respects and supports any endeavours promoted by the representatives of people aimed at ending the conflict, restoring peace, and safeguarding the national unity, sovereignty and political independence of Afghanistan;

5. Deplores the protracted conflict in the country imposed and fuelled by foreign conspiracies, expresses its disbelief in a military solution of the conflict, reiterates its conviction in the promoting of genuine and sincere intra-Afghan dialogue as the only way out of the turmoil, and calls upon the United Nations, the Organization of the Islamic Conference and peace-loving countries to lend the Afghans every support;

6. Decides to strive for attaining and salvaging the ideals of the Afghan people, and to resolutely defend the national unity, political independence and territorial integrity of the Islamic State of Afghanistan should the Taliban and their foreign sponsors continue to reject a peaceful solution to the conflict in Afghanistan;

7. Condemns, strongly, Pakistani interventions in the internal affairs of Afghanistan, and reiterates calls on the Pakistani leadership to stop supporting the Taliban group and to sincerely cooperate for a peaceful solution of the Afghan conflict by adopting a realistic approach, in order to avoid exacerbation of the situation in the region with serious implications for that country;

8. Reaffirms its total respect for human rights, women's human rights, combating illicit drugs and fighting terrorism in all its forms and manifestations;

9. Condemns, vigorously, Taliban actions in support of terrorism, the cultivation, production and trafficking of narcotics, the deprivation of people from education, and causing impoverishment of the population, and reiterates that their actions are contrary to the tenets and injunctions of Islam;

10. Condemns, vehemently, mass killings by the Taliban, particularly their cruel massacre of civilian populations in Mazâr-i-Sharif, Bamyân and other Northwestern provinces, and the slaying of Iranian diplomats and United Nations personnel, and requests a prompt international investigation into these incidents and the punishment of those responsible;

11. Regrets the occurrences of earthquakes in different parts of Afghanistan, inflicting heavy loss of lives and material devastation, extends its deep sympathies to the victims of these sad events, and announces its readiness to assist the victims and send supplies to their areas upon the lifting of obstacles by the Taliban;

12. Decides on the dispatch to friendly countries of delegations to explain the position of the Islamic State of Afghanistan toward ways of ending the conflict, restoration of peace and security in Afghanistan, and to procure cooperation of those countries;

13. Extends its gratitude to friendly and Islamic countries for hosting Afghan refugees, and kindly requests their continued humanitarian facilities under provisions of relevant international norms until conditions in Afghanistan permit repatriation of these Afghans.

Kapissâ, Afghanistan
5 March 1999

UNITED NATIONS **A S**

General Assembly
Security Council

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S/1999/270
12 March 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 41
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fifty-fourth year

Letter dated 11 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to forward, enclosed herewith, the letter of Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, relative to the decision of the President of the Arbitral Tribunal, Roberts Owen, declaring Brčko a district under the sovereignty of Bosnia and Herzegovina and the decision of Carlos Westendorp, High Representative for Bosnia and Herzegovina, to dismiss the President of Republika Srpska, Nikola Poplašen (see annex).

I would be very grateful if you would have the present letter and its annex published as a document of the fifty-third session of the General Assembly, under agenda item 41, and of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-06856 (E) 120399

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Annex

Letter dated 11 March 1999 from the Minister for Foreign Affairs of Yugoslavia addressed to the Secretary-General

I should like to convey to you, on behalf of the Federal Republic of Yugoslavia, our profound disagreement with the decision of the President of the Arbitral Tribunal, Roberts Owen, to declare Brčko a district under the sovereignty of Bosnia and Herzegovina, as well as with your statement of 5 March 1999 in which you supported this decision, even though it is contrary to the Dayton/Paris Agreement.

The decision of Mr. Owen represents a gross violation of the Dayton/Paris Accords. We recall that article V, annex 2, to the Dayton/Paris Agreement envisages that "the parties are agreed to accept the obligatory arbitration on the disputed part of the inter-entity boundary line in the area of Brčko". It is clear, therefore, that the subject of arbitration is not and cannot be the status of the district of Brčko. The decision by Mr. Owen represents the establishment of a third entity in Bosnia and Herzegovina, which is contrary to the Constitution of Bosnia and Herzegovina, which provides for the existence of only two entities - Republika Srpska and the Federation of Bosnia and Herzegovina. The decision of Mr. Owen violates the principle of contiguity of the territory of Republika Srpska, undermining its vital interest built into the foundations of the Dayton/Paris Agreement. Furthermore, that decision also changes the 51 to 49 ratio of the territory, in flagrant violation of the Dayton/Paris Agreement. Finally, this decision was made by Mr. Owen alone, without the consent of other members of the Arbitral Commission, in contravention of the rules of procedure and contrary to the mandate entrusted to him.

The decision of Mr. Westendorp to dismiss Republika Srpska President Poplašen also represents the most flagrant violation of the Dayton/Paris Agreement thus far. This decision is also in violation of the Constitutions of Republika Srpska and of Bosnia and Herzegovina, and it was an attempt to annul the will of the people expressed at the free and fair elections. The President of Republika Srpska, in accordance with the Constitution, may be removed from office only by the people who have elected him. That is why the Government of the Federal Republic of Yugoslavia considers that the above-mentioned decision by Mr. Westendorp cannot have any legal effect and must be considered null and void.

These decisions seriously devalue and threaten the stabilization of the peace process as well as the results and progress achieved in the establishment of Bosnia and Herzegovina as a common State of two equal entities and three constituent peoples, to which the Federal Republic of Yugoslavia has continuously been making a significant contribution. This obliges all participants of this process to work, with full responsibility, for the consistent implementation of the Dayton/Paris Agreement and strongly to oppose any attempts to usurp the powers of the constitutional bodies of Bosnia and Herzegovina and of the two entities, i.e., attempts at revising the Agreement.

In view of the above, the federal Government of the Federal Republic of Yugoslavia, as the signatory and the guarantor of the Dayton/Paris Agreement, calls upon members of the Steering Board to convene an emergency session of the Peace Implementation Council to consider the above-mentioned decisions and to take concrete measures to reverse them urgently and to re-establish the situation, the relationship and the decision-making process, in accordance with strict compliance with the Dayton/Paris Agreement, the Constitution of Bosnia and Herzegovina and the Constitution of Republika Srpska.

We expect that you will endorse this proposal of the Federal Republic of Yugoslavia.

I would be grateful if you would inform all the members of the Security Council of the contents of the present letter.

(Signed) Zivadin JOVANOVIC

United Nations A/53/862

General Assembly

Distr.: General
15 March 1999

Original: English

Fifty-third session
Agenda items 8 and 110

Adoption of the agenda and organization of work: reports of the General Committee

Human rights questions

Letter dated 12 March 1999 from the Secretary-General addressed to the President of the General Assembly

In paragraph 16 of General Assembly resolution 52/135 of 12 December 1997, the Assembly requested me to appoint a Group of Experts for Cambodia, the report of which has now been submitted. Accordingly, I should thus be grateful if the General Assembly would reopen agenda item 110 entitled "Human rights questions" in order that the Assembly might consider the report.

(Signed) Kofi A. **Annan**

99-07016 (E) 150399

UNITED
NATIONS

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General Assembly
Security Council

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S/1999/282
16 March 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda items 62 and 110
QUESTION OF CYPRUS
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 12 March 1999 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government I have the honour to refer to the issue of compulsory population transfer and the implantation of settlers. This is a matter of serious concern to the international community and to Cyprus in particular.

Article 49 of the Fourth Geneva Convention of 1949 and articles 5 and 7 of the statute of the International Criminal Court adopted in Rome on 17 July 1998 are unequivocal in holding that compulsory population transfers constitute not only internationally wrongful acts but also international crimes.

It is also pertinent to refer to the recent decision of the Economic and Social Council, decision 1998/292 of 31 July 1998, on freedom of movement and population transfer, which dealt with the report of the United Nations Special Rapporteur on human rights and population transfer. I would draw attention to the draft declaration on population transfer and the implantation of settlers appended to the report and its articles 7 and 10, which reiterate the fundamental rule of international law that violations of jus cogens cannot be legalized by international agreement and that the international community as a whole and individual States in themselves are, inter alia, under an obligation not to recognize as legal the situation created by such illegal acts.

With regard to the situation in Cyprus, the General Assembly and Security Council have taken positions upholding international legality. More specifically, it should be recalled that the Security Council in its resolution 361 (1974) expressed its grave concern at the plight of the refugees and called for permitting those who wished to do so to return to their homes in safety. Subsequently, in its resolution 365 (1974), the Security Council endorsed

General Assembly resolution 3212 (XXIX), and urged its implementation as soon as possible. In resolution 3212 (XXIX), paragraph 5, the General Assembly considered that all the refugees should return to their homes in safety.

As you are aware, the questions, inter alia, of the right of return of displaced persons and their continuing right to their homes and properties in accordance with international law and human rights norms, as well as the occupation of such properties by Turkish settlers and their repatriation to Turkey, were raised in discussions on the set of ideas with the then Secretary-General, in October and November 1992. As indicated in the report of the Secretary-General on his good offices mission in Cyprus (S/24830 of 19 November 1992, para. 37), the Government of Cyprus then suggested that any basic legal issues be referred to the International Court of Justice.

Moreover, in the summary of the positions of the two sides and of the United Nations, presented by the Secretary-General on 11 November 1992, the United Nations position, at pages 12 and 13, was reflected in terms of Security Council resolution 361 (1974), General Assembly resolution 3212 (XXIX) and Security Council resolution 365 (1974) as urging the taking of appropriate measures to permit persons who wished to do so to return to their homes in safety.

On behalf of the Government of the Republic of Cyprus, I would like to reiterate our commitment to a peaceful solution of the Cyprus problem on the basis of the United Nations resolutions and international law safeguarding the interests and the human rights of all its citizens.

I should be grateful if you would circulate the present letter as a document of the General Assembly, under items 62 and 110, and of the Security Council.

(Signed) Sotos ZACKHEOS
Ambassador
Permanent Representative

UNITED
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General Assembly
Security Council

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A/53/864
S/1999/283
16 March 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 12 March 1999 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 1 March 1999 (A/53/848-S/1999/218), I have the honour to draw Your Excellency's attention to a new violation of the national airspace of the Republic of Cyprus and of the flight information region (FIR) of Nicosia by military aircraft of the Turkish Air Force, recorded on 10 March 1999.

On that day, one C-160 military aircraft of the Turkish Air Force entered the Nicosia FIR, violating international air traffic regulations.

The aircraft in question violated the national airspace of the Republic of Cyprus, flying over the area of Karpasia, exiting at 1438 hrs in a south-easterly direction.

As stated in my previous letters, these Turkish unauthorized intrusions into the Nicosia FIR and the national airspace of the Republic of Cyprus are in violation of international air traffic rules and, at the same time, they are in contravention of the provisions of the Security Council resolutions on Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest this new provocative act by Turkey, which constitutes a further reminder of that country's offensive disregard of international law, the Charter of the United Nations and all the relevant decisions of the Organization on the question of Cyprus.

I would like to underline that the present violations occurred after the adoption of Security Council resolutions 1217 (1998) and 1218 (1998), in which the Council called upon all States to respect the sovereignty and territorial integrity of the Republic of Cyprus and to refrain from any action which might prejudice that sovereignty, independence and territorial integrity. My

Government expects that the Turkish side will show compliance with the provisions of those resolutions.

Such provocative actions are not conducive to reducing tension and run counter to the initiative of the Secretary-General announced on 30 September 1998, within the framework of his mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus.

Furthermore, the continuing overflights by the Turkish Air Force as well as the presence of the Turkish military occupation forces on the island constitute the underlying causes of tension in Cyprus.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Sotos ZACKHEOS
Ambassador
Permanent Representative

UNITED NATIONS **A S**

General Assembly
Security Council

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S/1999/286
17 March 1999
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GENERAL ASSEMBLY
Fifty-third session
Agenda item 59
QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND RELATED MATTERS

SECURITY COUNCIL
Fifty-fourth year

Identical letters dated 15 March 1999 from the Permanent Representative of Venezuela to the United Nations addressed to the Secretary-General and the President of the Security Council

The method known as the Arria Formula is associated with the name of the representative of Venezuela on the Security Council during my country's most recent term as a non-permanent member of the Council. That compels us to make the comments contained in this letter as a contribution to the discussion that is now taking place, both in the Open-ended Working Group on the Question of Equitable Representation On and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, and in the Council itself.

The contemporary conflicts that constitute threats to international peace and security are increasingly displaying their non-traditional nature, as are the actors involved.

During Venezuela's presidency in 1992, the Security Council deemed it appropriate and necessary to obtain direct assessments from individuals, organizations or institutions that could, because of their responsibilities or personal or institutional influence, contribute to a better understanding of the situation under consideration.

Given the non-governmental status of such actors, or the fact that they were not even States Members of the Organization, the Council believed that such contacts should be informal and should take place outside the Council Chamber, thus respecting the rights and duties of the Member State or States involved.

It is worth recalling in this context that, while nothing prevented the Presidency of the Council or its members from establishing informal contacts exchanges of this nature with the parties to a conflict from the standpoint o their national interests or the interests of groups of countries (the five permanent members, the Group of Non-Aligned Countries, and so on), it was not the practice of the Council as a whole to engage in such exchanges.

Consequently, these informal consultation exercises enabled the Council a whole to obtain direct information and assessments concerning the dominant perceptions at a given moment on the part of those who directly or indirectly influenced the course of a conflict resolution process. In this way, the principle of collective responsibility of the Council was emphasized and the transparency of informal consultations was enhanced, as was the process of reconciling approaches among its members. Accordingly, these consultations demonstrated their usefulness without undermining the responsibility of the Council or that of the Secretary-General and his special representatives.

The Arria Formula constitutes, in our view, a treasury of Security Counc procedures - the product of experience and of a pragmatic vision of its responsibilities.

This informal mechanism should be used, as it has been up to now, at the discretion of the President of the Security Council and with the authorizatio of its members. Nevertheless, the Arria Formula should be used in accordance with its original concept and should not be invoked in order to receive representatives of countries which are full Members of the United Nations, as that would be contrary to the principle of sovereign equality of States set o in Article 2 of the Charter of the United Nations.

I should be grateful if you would have the text of this letter circulate as a document of the General Assembly, under agenda item 59, and of the Secur Council.

(Signed) Ignacio ARC
Ambassado

UNITED NATIONS

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General Assembly
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A/53/866
S/1999/295
18 March 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 110
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Identical letters dated 17 March 1999 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to enclose herewith an aide-mémoire on the report of the United Nations Group of Experts for Cambodia of 18 February 1999, issued by the Royal Government of Cambodia on 12 March 1999 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 110, and of the Security Council.

(Signed) OUCH Borith
Ambassador
Permanent Representative

Annex

Aide-mémoire on the report of the United Nations Group of Experts for Cambodia of 18 February 1999, issued by the Government of Cambodia on 12 March 1999

- In spite of its infamous record of the most serious human rights violation, Democratic Kampuchea was allowed to occupy the Cambodian seat at the United Nations until the signing of the Paris Peace Accords for Cambodia in 1991.

- In the framework of the Paris Peace Accords, the Khmer Rouge was not only legitimized by the international community as one of the parties to the peace talks, but was also seated in the Supreme National Council (SNC) of Cambodia - the organ of the supreme power of Cambodia during the transition period.

- By refusing to take part in the 1993 election organized under the provisions of the Paris Peace Agreements, the Khmer Rouge made itself outlawed for boycotting the peace process and resuming the guerilla warfare.

- Hence the Paris Peace Accords have not brought a total peace and full national reconciliation to the country, as laid down in the Peace Accords.

- Even though the Khmer Rouge kept on waging war against the Royal Government of Cambodia, ***His Majesty the King*** **of Cambodia,** ***Samdech Preah Bat Norodom Sihanouk***, being desirous for peace and national reconciliation, graciously offered to preside over the further peace talks between the legitimate National Assembly and Royal Government of Cambodia on the one side, and the Group of Khmer Rouge leaders on the other, held in the Democratic People's Republic of Korea in May 1994.

- These peace talks continued through a working group until July 1994, when the Law on Outlawing the "Democratic Kampuchea" Group was adopted by the National Assembly.

- In June 1997, while the Khmer Rouge still continued its acts of war against the Royal Government of Cambodia, and thereby causing insecurity in many parts of the country, the two Prime Ministers of the Kingdom of Cambodia requested the assistance of the United Nations to bring the Khmer Rouge leaders to justice.

- Nevertheless, the aforesaid request of the two Prime Ministers has not obtained any concrete response from the United Nations until the second half of November 1998. Only when process of gradual disintegration and capitulation of the Khmer Rouge leaders and the rank and file virtually reached its conclusion, then the 3 UN Experts arrived in Cambodia on a mission.

- Very soon after that, the defection on 25 November 1998, of the two former top leaders of the Khmer Rouge, namely **Khieu Samphan** and **Nuon Chea** to the Royal Government of Cambodia, culminated in the total collapse of the Khmer Rouge movement militarily and politically.

- The Royal Government of Cambodia has, therefore achieved what UNTAC and Paris Peace Accords failed.

- With the end of the Khmer Rouge as a military and political movement, the Royal Government of Cambodia is committed to focus all its attention and resources on implementing effectively and efficiently the political platform of the government for promoting the protection and respect for human rights and democratic process, as well as for economic and social development for the benefit of the people.

- So, peace and stability and national reconciliation are ***sine qua non*** conditions for economic development and poverty alleviation for the Cambodian people, who already suffered so much for more than two decades.

- The most recent arrest of **Ta Mok** - the cold-blooded butcher of the Khmer Rouge - by the Royal Cambodian Armed Forces signifies the doomsday of the last remnant of the Khmer Rouge hardliners.

- While **Khieu Samphan** and **Noun Chea** have surrendered themselves to the Royal Government of Cambodia, **Ta Mok** as a top Khmer Rouge hardliner, remains the most vicious murderer and has committed countless, most serious crimes until the very day he was captured by the Royal Cambodian Armed Forces.

- Thus, the national judiciary system will undertake the investigation, prosecution and trial of **Ta Mok**, the culprit, under the Cambodian law in force. The process will ensure the standards of judicial fairness and effectiveness.

- Article 33 of the Constitution of the Kingdom of Cambodia prohibits the Royal Government of Cambodia to arrest and extradite Cambodian nationals to any foreign country. It stipulates that: "Cambodian nationals shall not be

deprived of their Cambodian nationality, exiled or arrested and extradited to any foreign country unless there is a mutual agreement."

- Moreover, the culprit is a Cambodian national, the victims are Cambodians, the place of the commission of the crimes is also in Cambodia; therefore the trial by a Cambodian court is fully in conformity with the legal process.

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S/1999/298
19 March 1999

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GENERAL ASSEMBLY
Fifty-third session
Agenda item 110
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Identical letters dated 19 March 1999 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a declaration dated 19 March 1999 from Prime Minister Hun Sen of Cambodia on the issue of the trial of Ta Mok (see annex).

I should be very grateful if you would have the text of the present letter and of its annex circulated as a document of the fifty-third session of the General Assembly under agenda item 110.

(Signed) OUCH Borith
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative

Annex

DECLARATION OF PRIME MINISTER HUN SEN OF THE KINGDOM OF CAMBODIA ON THE ISSUE OF THE TRIAL OF TA MOK

(Phnom Penh, 19 March 1999)

Recently, there have been misleading interpretation that Cambodia will try only one Khmer Rouge leader – that is Ta Mok, while other leaders will be free from any charges by law. At the same time, some circles have said that the national court in Cambodia does not meet the level and standard of an international court.

Since the interpretations have brought about confused understanding on the issue, I wish to re-affirm as follows:

First, the arrest of Ta Mok, and the bringing of Ta Mok to the trial by law are neither new issue nor first trial of those responsible of the Khmer Rouge clique. We have proposed a formula for the trial of those leaders of the Pol Pot genocidal regime since before the actual arrest of Ta Mok. The existing national court will take up the responsibility to conduct research and judgement on the case of Ta Mok. As for other charges on other people aside from Ta Mok, it will be a unique jurisdiction of the court to make charges. I myself, as well as other people, have no rights whatsoever to charge this or that person, or to pre-determine how many people will stand trial. I myself never provide guarantee to anyone to be free from the charges issued by the court of law.

Second, if there were the understanding that the existing national court of Cambodia did not meet the international standard, the Royal Government of Cambodia welcomes assistance, including legal experts, from various countries to be able to assist the court of Cambodia in order to try the Khmer Rouge leaders in accordance with the international standard for the sake of justice for all the victims.

Taking this opportunity, I wish to re-affirm that seeking justice for the people of Cambodia should be conducted in a strict manner by the existing national court of Cambodia, while safeguarding independence, sovereignty, peace and national reconciliation.

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17 March 1999
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 72 (d)
REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY: REGIONAL CONFIDENCE-BUILDING MEASURES: ACTIVITIES OF THE UNITED NATIONS STANDING ADVISORY COMMITTEE ON SECURITY QUESTIONS IN CENTRAL AFRICA

SECURITY COUNCIL
Fifty-fourth year

Letter dated 9 March 1999 from the Permanent Representative of Cameroon to the United Nations addressed to the Secretary-General

I have the honour to inform you that the heads of State and Government of the countries of Central Africa met in Yaoundé from 25 to 26 February 1999 in the framework of the United Nations Standing Advisory Committee on Security Questions in Central Africa.

At the conclusion of this summit conference, they created a mechanism for the prevention and settlement of conflicts in Central Africa and adopted a declaration on peace and security (see annexes).

I should be grateful if you would have the two attached texts, together with this letter, circulated as documents of the fifty-third session of the General Assembly under agenda item 72 (d), and of the Security Council.

(Signed) Martin BELINGA-EBOUTOU
Ambassador
Permanent Representative

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ANNEX I

Decision on the creation of a mechanism for promotion, maintenance and consolidation of peace and security in Central Africa, adopted on 25 February 1999 by the heads of State and Government of the Central African countries

The Summit Conference of Heads of State and Government of the Central African countries,

Concerned by the multiplication and intensification of conflicts in the sub-region,

Reaffirming their commitment to peace and security, as guarantees of stability and prosperity,

Recalling the Non-Aggression Pact signed at Yaoundé on 8 July 1996,

Bearing in mind the need for all the States in the subregion of Central Africa to sign and ratify this Non-Aggression Pact in order to create the conditions for peaceful coexistence and confidence,

Bearing in mind also all the decisions taken and commitments made in the framework of the United Nations Standing Advisory Committee on Security Questions in Central Africa,

Reaffirming their commitment to the principle of the peaceful settlement of disputes established in the Charter of the United Nations and of the Organization of African Unity,

Wishing to further strengthen the ties of cooperation between the States of Central Africa, which are confronted by critical situations and risks of instability,

DECIDES:

Article 1

To create a mechanism for the promotion, maintenance and consolidation of peace and security in Central Africa, to be known as the Council for Peace and Security in Central Africa (COPAX).

Article 2

The aim of COPAX is the prevention, management and settlement of conflicts in Central Africa, together with other activities to promote, maintain and consolidate peace and security in the subregion.

Article 3

The Ministers for Foreign Affairs and of Defence/Armed Forces will meet in Yaoundé as soon as possible in order to draw up the draft terms of reference for the mechanism referred to in article 1 and propose them to the heads of State and Government of Central Africa during the summit meeting of the Economic Community of Central African States (ECCAS) to be held in Equatorial Guinea in April 1999. Cameroon will convene this ministerial meeting.

Done at Yaoundé on 25 February 1999 by the following heads of State and Government or their representatives:

For the Republic of Angola:

For the Republic of Burundi:
(Signed) Pierre BUYOYA
President of the Republic

For the Republic of Cameroon:
(Signed) Paul BIYA
President of the Republic

For the Central African Republic:
(Signed) Ange-Félix PATASSÉ
President of the Republic

For the Republic of the Congo:
(Signed) Denis SASSOU NGUESSO
President of the Republic

For the Democratic Republic of the Congo:
(Signed) Jean-Charles OKOTO
Minister for Foreign Affairs

For the Gabonese Republic:
(Signed) DIDJOB DIVUNGI DI NDINGE
Vice-President of the Republic

For the Republic of Equatorial Guinea:
(Signed) Angel-Seraphin SERICHE DOUGAN
Prime Minister

ANNEX II

Yaoundé Declaration on Peace, Security and Stability in Central Africa, adopted on 25 February 1999

1. At the invitation of His Excellency Mr. Paul Biya, President of the Republic of Cameroon and current Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa, the heads of State and Government of Central Africa met in Yaoundé from 25 to 26 February 1999 to review the social and political situation in the subregion.

2. They reaffirmed their commitment to the fundamental principles set forth in the Charters of the United Nations and the Organization of African Unity, in particular:

- the sovereign equality of all States;
- non-interference in the internal affairs of States;
- respect for the sovereignty and territorial integrity of each State;
- the inviolability of boundaries inherited from the colonial period;
- the right to peace and security;
- respect for human rights, democracy and the rule of law.

3. They engaged in an in-depth exchange of views on the situation in the subregion. In that regard, they expressed deep concern over the persistence of and increase in tensions and in internal and inter-State armed conflicts which result in loss of human lives, displacement of populations, destruction of infrastructure and institutions, thereby impeding development efforts in Central Africa.

4. They also took note of the threats to stability and security posed by cross-border crime and by the trafficking in and illicit circulation and proliferation of weapons of war.

5. They explored ways and means of contributing to the prevention, containment and settlement of disputes and to the maintenance of peace, security and stability in Central Africa.

6. They reaffirmed their willingness to engage in dialogue and consultations and to show understanding and tolerance in order to settle disputes between peoples and to create a stable and safe environment that is conducive to development.

7. They charged the Committee's Bureau with the task of approaching the United Nations with a view to finalizing the agreement for the funding of military exercises and peacekeeping operations proposed for Central Africa by the Committee at its tenth special meeting.

8. They issued an urgent appeal to the States of the subregion to establish as a matter of urgency national follow-up committees as had been reiterated at the Committee's tenth ministerial meeting.

9. They also appealed to States to take all necessary measures to ensure that their parliaments enacted legislation to combat the proliferation of private armed militias.

10. They agreed to take joint action to establish and preserve peace and security, which was a prerequisite for the economic integration and development of the States of the subregion.

11. They also reaffirmed their commitment to the strengthening of security in the subregion by combating acts of destabilization against any member State.

12. They also stressed the urgent necessity for the Governments of the subregion to do everything in their power to reduce and if possible eliminate the causes of conflict within their societies in order to promote unity, peace, security and stability.

13. They expressed satisfaction at the framework for consultations which the United Nations Standing Advisory Committee on Security Questions in Central Africa afforded. They also expressed satisfaction at the work which had been accomplished within this framework and which had resulted in the signing of the Non-Aggression Pact currently in the process of being ratified, together with the design of a draft mutual assistance pact and a draft agreement on the terms of reference of the Council for Peace and Security in Central Africa (COPAX), as well as in discussions aimed at the establishment of other institutions for the promotion of peace and security.

14. They recognized that the achievement of lasting peace and development in Central Africa required the solidarity and full cooperation of all the countries of the subregion. To that end, they have decided to establish a body for the promotion, maintenance and consolidation of peace and security in Central Africa to be known as the Council for Peace and Security in Central Africa (COPAX).

15. They have instructed their Ministers for Foreign Affairs and of Defence/Armed Forces, the Interior and Security to meet as soon as possible to finalize the draft terms of reference of this new subregional institution. These terms of reference will be submitted for the approval of the heads of State and Government at the next summit meeting of the Economic Community of Central African States (ECCAS) to be held in Malabo in April 1999.

16. They endorsed the conclusions of the earlier ministerial meetings of the United Nations Standing Advisory Committee on Security Questions in Central Africa, including the meetings held in Libreville, Bata and Yaoundé in 1998, and requested that these conclusions should be taken into account in future meetings.

17. Deeply concerned at the persistence of tensions, conflicts and crises in Central Africa, they expressed their determination to promote respect for human rights and freedoms and for the establishment of the rule of law and of

democratic political systems that permit the full participation without exclusion of all sectors of society in the political life of each country.

18. Convinced that peace and development are inextricably linked, they stressed the need for the States of the subregion to pool all of their resources and efforts to improve the living conditions of their peoples and, in particular, of the most disadvantaged sectors of their societies. They also recognized that the debt burden borne by their countries was such that it impeded their efforts to achieve development. To this end, they appealed to their bilateral and multilateral partners so that an appropriate solution could be found to this intractable problem.

19. They declared that efforts to eliminate poverty must be one of the principal areas of concern of their countries if they are to achieve lasting peace. They strongly emphasized that the difficult economic situation of the countries of Central Africa was a factor of instability which threatened international peace and security and called upon the international community and, in particular, the international financial institutions to provide increased support for their economic recovery efforts.

20. They stressed the need for closer cooperation and exchanges of many kinds between their countries, in particular through the revitalization of regional economic integration programmes, in order to encourage more interaction among their peoples and to instil into their values a genuine culture of peace and dialogue.

21. They expressed deep concern over the continuing conflict in the Democratic Republic of the Congo which carries grave risks of destabilizing the entire subregion.

22. They further welcomed the progress made by the Government of the Democratic Republic of the Congo in seeking dialogue with all the political forces and in opening up the political arena in order to completely defuse existing tensions.

23. Recalling the Declaration issued by the Central African heads of State and Government at the conclusion of their meeting in Libreville on 24 September 1998, together with those from other international meetings such as the France-Africa summit meeting held in Paris, the Victoria Falls II regional summit meeting, the summit meeting of the Central Organ of the Organization of African Unity Mechanisms for Conflict Prevention, Management and Resolution held in Ougadougou, the Windhoek summit meeting and the Lusaka meetings, they appealed for a ceasefire in the Democratic Republic of the Congo, the immediate and unconditional withdrawal of hostile foreign forces, respect for sovereignty and the democratization process and the institution of dialogue between all the political forces.

24. They commended Chad for sending a military contingent to the Democratic Republic of the Congo and expressed their full support for that country.

25. Bearing in mind the spirit of the Libreville Declaration of 24 September 1998, and expressing their grave concern at the deteriorating situation in Angola and at the stalling of the peace process in that country,

they called on the National Union for the Total Independence of Angola (UNITA) to comply with the peace agreements, the Lusaka Protocol and the relevant Security Council resolutions.

26. They appealed urgently to all the parties to demonstrate a firm commitment to the peace process and to national reconstruction, bringing an end to the ongoing and appalling suffering of the Angolan people, particularly those who have been displaced.

27. Concerned about the worrying situation in Angola, they appealed urgently to the countries of the subregion and to the international community to provide all the necessary support to ensure the success of the peace process in that country.

28. They paid tribute to the memory of Alioune Blondin Beye, to the members of his team and to all the United Nations staff members that had died tragically in Angola for their invaluable contribution to the quest for peace in that country.

29. They acknowledged that the full implementation of the Bangui Agreements and the National Reconciliation Pact was vital to peace and national reconciliation in the Central African Republic. They welcomed the significant progress that had been made by the Government of the Central African Republic in implementing the Bangui Agreements and introducing major political and economic reforms.

30. They welcomed with satisfaction the Security Council's decision to include support for the holding of legislative elections on 22 November and 13 December 1998 in the mandate of the United Nations Mission in the Central African Republic (MINURCA).

31. Recalling the importance of the role of MINURCA in maintaining a climate of security and stability favourable to the strengthening of the national reconciliation process in the Central African Republic, they stressed that the activities of MINURCA should cease only when the electoral processes had been completed and sufficient progress had been made in effecting national reconciliation. They urged friendly countries to participate in that international force.

32. Stressing the need for constructive dialogue between all segments of the Burundian population, they welcomed the debate that was taking place inside the country and the current dialogue at Arusha between Burundians inside and outside the country.

33. Recalling the various appeals that had been made for the lifting of the embargo against Burundi, they warmly welcomed the decision that was taken on 23 January 1999 to suspend the embargo.

34. They expressed their concern at the ongoing border, land and maritime dispute between Cameroon and Nigeria. They reiterated the need for both countries to refrain from taking any action that could exacerbate the tension between them. They expressed support for efforts to secure a peaceful solution to the dispute through legal channels. They invited both parties to be bound by the protective measures laid down in the court ruling of 15 March 1996 and by

the imminent decision of the International Court of Justice concerning the substance of the case. Lastly, they appealed to the international community to help keep the peace between Cameroon and Nigeria, before, during and after the verdict of the International Court of Justice in The Hague, which currently had the matter of the border dispute before it.

35. They expressed their grave concern at the renewed outbreak of hostilities in the Congo following the perpetration of acts of destabilization by armed groups, causing huge losses of life and material damage and hindering the implementation of commitments undertaken by the authorities to take measures to promote national reconciliation, rebuild the country and relaunch the democratic process. They expressed their willingness to contribute to the establishment of real peace in the Congo, allowing the Congolese people to devote all their efforts to the realization of social and economic development.

36. They called on the current Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa to take and oversee any initiative that might provide support for the re-establishment or consolidation of peace and for sustainable national reconciliation and reconstruction in the conflict-torn countries of the subregion.

37. They recognized that unusual and massive movements of populations, particularly in the aftermath of armed conflict in certain countries of the subregion, constituted a grave threat to domestic peace, and urged each Government to manage migratory flows more effectively and efficiently and to better control their borders.

38. They called on the United Nations High Commissioner for Refugees to take swift action, following the practice in other regions of the world, to support States faced with the problems of massive migrations as a result of armed conflict in Central Africa.

39. They appealed to the United Nations and the international community to assist in implementing the action programme of the United Nations Standing Advisory Committee on Security Questions in Central Africa.

40. They welcomed the fact that the current summit meeting was being held just as the United Nations had completed its celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights and of peacekeeping operations. They further reiterated their deep attachment to the promotion of human rights, democracy, the rule of law and prosperity in Central Africa.

41. Lastly, they reaffirmed their support for the United Nations and its Secretary-General, and urged that the ceaseless efforts of the Organization to promote, maintain and consolidate peace and security in Africa in general and in the subregion of Central Africa in particular should be intensified and based on increased consensus-building with the countries and regional bodies concerned.

42. They expressed their gratitude to President Paul Biya of the Republic of Cameroon, and to the Cameroonian Government and people for their warm reception and outstanding hospitality.